

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.917 of 2017

N.Palani

..Appellant/Petitioner

-vs-

- 1.The Engineer-in-Chief (WRD)
and the Chief Engineer (General),
Public Works Department,
Chepauk,
Chennai-600 005.
- 2.The Chief Engineer (WRD),
Design Research and Construction Support,
Public Works Department,
Chepauk,
Chennai-600 005.
- 3.The Superintending Engineer / Director,
Institute of Hydrolic and Hydrology,
Poondi Village,
Tiruvallur Taluk & District.
- 4.The Deputy Director,
Institute of Hydrolic and Hydrology,
Poondi Village,
Tiruvallur Taluk & District. Respondents/Respondents

Appeal filed filed under Clause 15 of the Letters Patent,
against the order passed by this Court in W.P.No.14909 of 2012
dated 09.08.2016.

WP.No.14909 of 2012:Petition filed under Article 226 of the
Constitution of India to issue a Writ of Certiorarified Mandamus
calling for records relating to 4th respondents proceedings in Letter Na.Ka.No.E1/1766/2010
dated 7.4.2011 to quash the same and the direct the respondents to provide employment to the
petitioner in any one of the suitable post on compassionate ground in the 4th respondent office

For Appellant :: Mr.M.Muthappan

For Respondents :: Mr.R.Prathapkumar,
Addl.Govt.Pleader

JUDGMENT

(Judgment of the Court was delivered by
HULUVADI G.RAMESH, J.)

This writ appeal is filed against the order passed by this Court in W.P.No.14909 of 2012 dated 09.08.2016, wherein the learned single Judge of this Court, has rejected the prayer made by the appellant herein to provide employment to the appellant on compassionate grounds in the fourth respondent office.

2.The case of the appellant is that his father, who was employed as carpenter in the fourth respondent office died in harness on 21.05.1983 while he was in service. According to the appellant, her mother gave applications on 10.05.1984, 12.03.1986 and 12.10.1988 to the respondents to provide employment to the appellant on compassionate ground, since he was minor at the time of the death of his father. After the appellant had attained majority, he made a representation on 06.09.1999 to give compassionate appointment. However, the same was not considered. Finally, the fourth respondent rejected the appellant's claim vide order dated 02.01.2012 which was challenged by the appellant before this Court in W.P.No.14909 of 2012. The learned single Judge dismissed the writ petition on the ground that already two of the appellant's brothers were employed in the same institution. Challenging the same, the present appeal has been filed.

3.We have heard the learned counsel on either side and perused the materials available on record.

4.Although several issues have been raised challenging the order passed in the writ petition, according to the appellant, his mother submitted representations for providing compassionate appointment to the appellant on 10.05.1984, 12.03.1986 and 12.10.1988. This was stoutly opposed by the learned Additional Government Pleader by stating that such applications have not been submitted by the appellant and that the appellant had submitted his application requesting compassionate appointment only in the year 2010.

5.It is seen that the appellant's father died in harness on

21.05.1983 and the appellant attained the age of majority on 20.06.1995. According to the appellant, after attaining majority, he himself submitted a representation on 06.09.1999, which is stoutly refuted by the learned Additional Government Pleader appearing on behalf of the respondents. Even if the contention of the appellant is accepted that he has submitted his application on 06.09.1999 after attaining majority, we find that it was made belatedly and it does not fall within the period of three years after attaining majority. There was a delay of about 1 year and 3 months. On this factual ground, we are satisfied that it was out of time. In such view of the matter, the writ appeal filed by the appellant lacks merit and accordingly the same is dismissed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

KM

To

- 1.The Engineer-in-Chief (WRD)
and the Chief Engineer (General),
Public Works Department,
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4.The Deputy Director,
Institute of Hydrolic and Hydrology,
Poondi Village,
Tiruvallur Taluk & District.

+1 cc to the Government Pleader sr 72866

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